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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,090	02/11/2004	Noriyoshi Kurotsu	03500.017893	1592

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EXAMINER	
RODRIGUEZ, LENNIN R	
ART UNIT	PAPER NUMBER
2625	
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05/08/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/775,090	KUROTSU ET AL.	
	Examiner	Art Unit	
	LENNIN R. RODRIGUEZ	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 January 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 January 2008* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 1/22/2008 have been fully considered but they are not persuasive. Applicant's argument regarding "the cited references, either alone or in combination, fail to disclose or suggest at least the features of a changing step of changing a destination printer to an alternation destination printer before the spooling step has completed the spooling of the print data. The control step concurrently performs the spooling of the print data in the spooling step and output of the print data to the alternation destination printer" has been fully considered, in response "Nakatsuma '132 discloses an information processing apparatus (102 in Fig. 1) for exerting print control (column 5, lines 28-31), comprising:

a spooling unit (801 in Fig. 9), adapted for again spooling print data created and spooled via a print data creation module (column 12, lines 1-28, where data already spooled is stored in a virtual spooler);

a changing unit (Fig. 28 and 30), adapted for changing a destination printer to an alternation destination printer before said spooling unit has completed the spooling of the print data (column 9, lines 4-14, where in the case of hitting print in the creation module the print data will begin to be spooled and then a window will show on the screen allowing a user to change from a default printer (standard) to any printer (alternate) to send the print job to, therefore changing the destination printer); and

a control unit (202 in Fig. 2), adapted for performing the spooling of the print data by said spooling unit and output of the print data to the alternation destination printer (column 14, lines 1-5, where the control unit is performing the spooling the data and sending it to a network printer).

Nakatsuma '132 discloses all the subject matter as described above except performing the spooling and outputting the print data concurrently.

However, Petchenkine '951 teaches performing the spooling and outputting the print data concurrently (column 3, lines 24-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to performing the spooling and outputting the print data concurrently as taught by Petchenkine '951, in the system of Nakatsuma '132. With this operators can spool/print directly to the hard drive, freeing the workstation quickly (column 3, lines 23-24).".

2. Drawings objections have been withdrawn in view of the submitted amendment.

3. Specification objection has been withdrawn in view of the submitted amendment.

4. Rejection under 35 U.S.C. 112 second paragraph has been withdrawn in view of the submitted amendment.

5. Rejection under 35 U.S.C. 101 has been withdrawn in view of the submitted amendment.

6. The double patenting rejection has been withdrawn.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakatsuma et al. (US Patent 6,115,132) in view of Petchenkine et al. (US Patent 6,380,951).

(1) regarding claims 1, 7 and 13:

Nakatsuma '132 discloses an information processing apparatus (102 in Fig. 1) for exerting print control (column 5, lines 28-31), comprising:

a spooling unit (801 in Fig. 9), adapted for again spooling print data created and spooled via a print data creation module (column 12, lines 1-28, where data already spooled is stored in a virtual spooler);

a changing unit (Fig. 28 and 30), adapted for changing a destination printer to an alternation destination printer before said spooling unit has completed the spooling of the print data (column 9, lines 4-14, where in the case of hitting print in the creation module the print data will begin to be spooled and then a window will show on the screen allowing a user to change from a default printer (standard) to any printer (alternate) to send the print job to, therefore changing the destination printer); and

a control unit (202 in Fig. 2), adapted for performing the spooling of the print data by said spooling unit and output of the print data to the alternation destination printer

(column 14, lines 1-5, where the control unit is performing the spooling the data and sending it to a network printer).

Nakatsuma '132 discloses all the subject matter as described above except performing the spooling and outputting the print data concurrently.

However, Petchenkine '951 teaches performing the spooling and outputting the print data concurrently (column 3, lines 24-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to performing the spooling and outputting the print data concurrently as taught by Petchenkine '951, in the system of Nakatsuma '132. With this operators can spool/print directly to the hard drive, freeing the workstation quickly (column 3, lines 23-24).

(2) regarding claims 2, 8 and 14:

Nakatsuma '132 further discloses an ID creation unit, adapted for creating a first ID issued correspondingly to the print data created via the print data creation module (column 13, lines 20-43) and a second ID to the print data spooled by said spooling unit apart from said first ID (column 16, lines 50-58 and column 24, lines 36-39, where an ID different from the first one its being created); and

a management unit (710 in Fig. 7), adapted for performing job management corresponding to the second ID created by said ID creation unit columns 16-17, lines 58-67 and 1-7 respectively).

(3) regarding claims 3, 9, and 15:

Nakatsuma '132 further discloses wherein the first ID is an ID issued via an OS (column 6, lines 59-67 and column 13, lines 20-23, where the job ID it's being obtained from the virtual print server service which the OS is controlling).

(4) regarding claims 4, 10, and 16:

Nakatsuma '132 further discloses wherein, on alternation or resending of said print data, said control unit continues the spooling of the data already spooled before the alternation or resending (column 2, lines 20-23, and column 29, lines 41-46).

(5) regarding claims 5, 11 and 17:

Nakatsuma '132 further discloses a notification unit (712 in Fig. 7), adapted for notifying said second ID to an alternation destination printer specified of a plurality of printers via an alternate setting screen (Fig. 32, column 35, claim 17, plurality of printers and column 13, lines 52-62);

an identification unit, adapted for identifying the print data to be alternated based on said second ID notified by said notification unit (column 16, lines 55-63, where the job ID is identified); and

a reading unit (712 in Fig. 7), adapted for reading the print data identified by said identification unit (column 13, lines 56-58),

wherein said control unit concurrently performs the spooling of the print data by said spooling unit and the reading by said reading unit (column 14, lines 1-5, where the data its being read and spooled by the control unit (202 in Fig. 2)).

(6) regarding claims 6, 12 and 18:

Nakatsuma '132 further discloses wherein each of said plurality of printers has port information set up correspondingly (Fig. 34).

Double Patenting

9. Applicant is advised that should claims 1-6 be found allowable, claims 7-12 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LENNIN R. RODRIGUEZ whose telephone number is (571)270-1678. The examiner can normally be reached on Monday - Thursday 7:30am - 6:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on (571) 272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/King Y. Poon/
Supervisory Patent Examiner, Art Unit 2625

/Lennin R Rodriguez/
Examiner, Art Unit 2625